

## **REMARKS / DISCUSSION OF ISSUES**

Claims 1-19 are pending in the application. Claims 28-30 are presently cancelled without prejudice or disclaimer of their subject matter.

### **Rejections under 35 U.S.C. § 102**

Claims 1-19 and 28-30 are rejected under 35 U.S.C. § 102(a) as being unpatentable over *Sumanaweera* (US Patent 6,475,149). For at least the reasons set forth below, Applicants respectfully submit that this rejection is improper and should be withdrawn.

At the outset Applicants rely at least on the following standards with regard to proper rejections under 35 U.S.C. § 102. Notably, a proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

#### **i. Claim 1**

Claim 1 recites:

*A method of capturing an image using an ultrasound system, comprising:*

*surveying the image to collect motion data;*  
*analyzing the motion data to identify a flow in the image; and*  
*scanning a limited region of the image containing the flow with a flow imaging technique.*

The Office Action directs Applicants to column 2, lines 25-26 and Fig. 1; and attempts to equate 'surveying the image to collect motion data' with the B-mode processor and Doppler processor 'to identify the flow and non flow of the vessel border' (See page 3 of the Office Action).

While *Sumanaweera* discloses a Doppler processor 18 that detects Doppler data representing fluid flow, there is no disclosure of an image or its being surveyed as specifically recited in claim 1. (Kindly refer to column 3, lines 24-30 of *Sumanaweera*.) Therefore, Applicants respectfully submit that the applied art fails to disclose at least one feature of claim 1.

#### ii. Claim 12

*An ultrasound system, comprising:*

*a survey system for collecting motion data from a target image;*  
*a segmentation system for mapping a region of flow within the image based on the motion data; and*  
*a flow acquisition system that automatically limits the collection of flow image data within the image to the region of flow.*

The Office Action directs Applicants to column 2, lines 25-26 and column 3, lines 23-24 for the alleged disclosure of the survey system as recited in claim 12. However, while Doppler data representing fluid flow are detected by Doppler processor 18, there is no image and therefore no collecting of motion data from an image; rather the Doppler processor detects frequency shifts associated with the Doppler effect of moving fluid. There is no image garnered in this process. (Kindly refer to column 3, lines 23-30 of *Sumanaweera*.)

Therefore, Applicants respectfully submit that the applied art fails to disclose at least one feature of claim 12.

iii. Rejections Improper

For at least the reasons set forth above, the rejections of claim 1 and 12 are improper and should be withdrawn. Therefore, claims 1 and 12 are patentable over the applied art. Claims 2-11 and 13-19, which depend from claims 1 and 12, respectively, are also patentable for at least the same reasons and in view of their additionally recited subject matter.

Conclusion

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:  
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